

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

STEVEN LEE,

Plaintiff,

-against-

MATTHEW F. COOPER, A Justice for the  
New York Supreme Court of the State of  
New York, in his individual and personal  
capacity as well as a State Actor for the State  
of New York,

Defendant.

21-CV-5879 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action alleging that Defendant violated his constitutional rights. The Court dismisses the complaint for the following reasons.

Plaintiff has previously submitted to this Court an identical complaint against Defendant raising the same claims. That case is presently pending before this Court under docket number ECF 1:21-CV-5266, 1 (LTS).<sup>1</sup> As this complaint raises the same claims, no useful purpose would be served by litigating this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff's pending case under docket number ECF 1:21-CV-5266, 1 (LTS).

Plaintiff's complaint is dismissed as duplicative.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf.*

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<sup>1</sup> By order dated July 9, 2021, the Court directed Plaintiff to either pay \$402.00 in fees – a \$350.00 filing fee plus a \$52.00 administrative fee – or, to request authorization to proceed without prepayment of fees, that is, *in forma pauperis* (“IFP”), submit a signed IFP application. (ECF 1:21-CV-5266, 2)

*Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: July 14, 2021  
New York, New York

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
Chief United States District Judge